

Robert Curvin Interview: Sanford Jaffe

CURVIN: We have Sanford M. Jaffe who is the executive director of the New Jersey Select Commission on Civil Disorders appointed by Governor Richard Hughes following disturbances of 1967 and Stanley I would like to just start by asking you to talk a little bit about how you got to be the executive director of the commission.

JAFFE: I was working in Washington DC and the Department of Justice as a special assistant to the attorney general having prior to that been working in the United States attorney's office as chief of their Criminal Division about a year before the civil disturbances.

I had went down to Washington and one day while in my office I got a phone call from Larry Builder who then was a confident special assistance for the governor of Governor Richard Hughes of New Jersey and Larry said that the governor was down in Washington and was over at the White House to discuss something with President Johnson and could he and the governor come over to my office in the Department of Justice. I said sure, and then the governor showed up with Larry Builder and the governor said that he was he had just talked to the president and the president had just announced the formation of the Kerner Commission, which you are familiar with, to look at the riots in LA and Detroit and so forth and was chaired by Governor Kerner and John Lindsay and that he was going to appoint a similar commission in New Jersey to look at Newark and what had happened in Newark and Plainfield and Inglewood and that my name had come to him and would I consider the position as executive director and he said what I think about it and he would like me to take the job and he kind of said that the commission was in the process of being formed but I think at that point he only had the chairman Bob Lowly [44:55]was the president of the New Jersey Bell and Raymond Brown a very well-known lawyer and active for many years in the civil rights community among other communities and so I said I was kind of taken back and I said sure I would think about it and he said why don't we do this why don't you come up to New Jersey in about a week and Lowly we'll meet you at the train and come to my office and we'll talk about it in great detail and if you want to talk to Ray Brown or Bob Lowly in between.

So I did, I went up to New Jersey a couple of days before the meeting with the governor and talk to Ray Brown, Ray who I knew for number years because Ray and I had been first opponents on a couple of cases that I had tried and the US attorney's office and Ray had been a defense lawyer. I was probably the only prosecutor that Ray ever ended up being friends with, we formed a very close friendship that's a different story at a different time. So Ray then told me to go over and talk to Bob Lowly, and I found out from Ray that he had mentioned my name to the governor and that's how the governor I guess the governor had knew me from the attorney's office but not personally and he had cleared it with Bob Lowly and Bob said sure and I went and chatted with Bob Lowly and then I went back and talked to the governor and kidded with the governor and said that if I take this job I've got one problem which is I got three small kids and I don't have any serious income and I just had been offered a partnership at a law firm in New Jersey and a Lowenstein firm and I said I'm not going to turn that down oh, I'll have nothing to do afterwards so I said I was kind of worried about that so I said how about the Public Utilities Commission

and he just broke up laughing and I did too and he said come on. He said what I will do is I will see that your busy in the council's office until you find something because I know that this is going to take a lot of time and I said that that was fine with me and then we had a conversation about how we were going to run it and you know the governor had not really thought through how he wanted thing to run I don't think he did because one alternative he said was that you could hire five bright guys out of Woodrow Wilson and have them write the report and present it or do you have something else in mind.

What I had in mind was a staff and a real inquiry and he said well that's going to cost money and I said I assumed it would and he said how much would it cost and I said I don't know I haven't budgeted it out but I expect it to be around \$50,000 it was just a figure I picked out of the air and so he turned to Larry and he said I guess we can do that and he said will make it easy for you will take the money out of the Department of Defense so you won't have to set up a whole bookkeeping system and all that kind of thing which from a bureaucratic standpoint made it easier and he said okay will do that and let's get the commission down here next week and when they're all here I'll charge the commission and so I went back and told Ray and Bob about my conversation and both of them agreed really that we ought to do an inquiry that five fellows or women out of Woodrow Wilson was not the alternative.

CURVIN: So let me ask you a question that we talk a little bit more about later from this recounting it gives me the impression that the governor did not fully understand all of the breath of the implications.

JAFFE: I don't think so. I think he did and if you look at the governor's charge of the commission you'll get that sense and he did that off the top of his head I mean he sat there with the commission and Larry and he just dictated it he was a very bright guy and a tremendous comprehension of things I just think that he didn't really focus on how the thing was going to work, what I was , which is probably the mark of a good Governor you know I'm going to appoint somebody and you go figure out how to do it and so he said like you can do it this way. As soon as I mentioned to him he said oh you should really do it that way so I don't really conclude from that, because throughout the whole commission he could not have been more supportive and helpful.

CURVIN: He had a very strong commission, without question.

JAFFE: I think he realized that by putting that Commission on it would be a very powerful commission and it would also appeal to a lot of different constituent groups and he really balanced it politically between Democrats and Republicans and he also made a point of appointing you know what we would call the establishment to show that what came out would come from people who are really well respected in the community and have a lot of legitimacy and credibility so I think that I would conclude more than anything else.

CURVIN: So what was this approach that you outlined for him?

JAFFE: Well you know I wasn't sure at that point I went to see Paul Ilvisaker [38:26] who is the then Commissioner of Community Affairs a really very bright guy, a committed guy and Paul

was going to New York so I took a ride with him in his car and we kind of talked about it and Paul said that you know I think that we really need to investigate the whole thing everything that happened so you know I thought a little more about that and came back and sat down with the yellow sheet of paper and kind of figured out this and a lot of this was also based on my experience in the US attorney's office it seemed to me and I don't want it to sound like it was just me it was clearly the commission and a chair but I did this and presented it, it seemed to me that we had to do too broad things when we had to go look into the 23 deaths that occurred during the riots and the patients had been that they were shot by the National Guard's and the state police or the local police we also had to look into the question of the rampage and quotation marks I guess that occurred that one night when the allegations was that the state police had broken the windows of black businesses in the central ward so it seemed to me that that was an absolute given and without that the commission report would not have had credibility. On the other hand, to just do that and not look at the broader social and political and economic context would in my opinion also not give the report any lasting value it would become just an investigative report and it would have some recommendations and that would be it but the real force event also had to be in the real social and political context and so the idea was to do the following through Ray's good offices I was able to hire four investigators, these were people who I think three of them, who I think at one time or another had been in prison and who really kind of knew the streets of Newark really well we had no subpoena power and I figured that what I was going to do was that in order to look into the question of the deaths and to look into the questions of the allegations of the windows we would run the commission a little bit like a grand jury and by then I mean through the help of these for investigators and with some newspaper publicity the commission with me and we would bring these witnesses in and I would bring witnesses after witnesses basically to talk about the allegations but also kind of lay the groundwork for the political and social context so that was the kind of investigatory phase.

At the same time what we did was I broke up the social issues into the courts the economics the housing employment Etc. and put together a staff through all kinds of friends and Associates and others you know to hire people for three and a half months was not the easiest thing to do and then what I did was I would assign one of those areas to one of those people and I would say look you got six weeks and in that six weeks I want you to interview anyone you want get whatever documentation you want and write a report for me and the commission in the six weeks that would lay out the context and recommendations that you got from all the people you chatted with and then when the investigatory phase of the commission was over I was going to bring each one of my staff in on the subject matter each one or two days to present to the commission and have the commission make comments about that so would that would be the second phase of it. And that sort of was the General kind of work product that I devised which Bob liked and ray did and the commission approved.

Curvin: you ended up though really getting to some of the most fundamental and sensitive issues of urban America that were expressed in these three communities that were the central concern of what had happened during that period. Who wrote that report and how did the report get written?

JAFFE: Just before I get that I just want to say one thing about that part of the investigatory, the commission was really unusual in the fact that we met 5 days a week and we met every day from approximately three or four in the afternoon 2 about 9 at night including dinner which Bob provided at the phone company where we met which unfortunately I put 25 pounds on because I never went outside for 4 months, anyway seriously I went from a 40 to a 44, it was a constant stream of witnesses and almost every commission members showed up and somewhere in the report it tells you the number of meetings we had I can't recall but they were an awful lot and for almost three months we did this every day from three or four to eight or nine

CURVIN: were there any special moments that the commission...

JAFFE: there was one that I really like to tell and it's the following, there are one or two people on the commission who were somewhat unhappy I think at least I sensed that and sort of the way that they saw it the commission was, the evidence was coming in and the commission was leaning, it seemed pretty clear that there was going to be a finding of no conspiracy, it seemed that it was going to be pretty clear that there was no finding that it was the National Guard that shot the 23 people Etc. and Etc. and it was pretty clear that the commission was leaning towards making some very specific and I would think very fundamental recommendations one of the gentleman who was I think really concerned particularly concerned with the allegations about the state police with Governor Driscoll oh, he had been Governor I guess in 1944 to 1950 or something like that and just go was very well known for the reform of the New Jersey Court System he also created the state police, and I think the turnpike was built in his time Etc. his wife tells the story that if he drove on the turnpike and he saw a piece of paper he would stop and pull over and pick it up oh, so anyway he was getting kind of upset over this allegations that the state police had broken these windows so there was a gentleman that was a witness and the gentleman was a fellow who ran a cleaning store somewhere in the central Ward I don't remember where what street he was a very good very effective witness very low-key and I have been going through a series of questions and asking what happened and when did you first notice this etcetera, etcetera and Governor Driscoll was getting more and more agitated and then finally the governor said to me I'm going to ask some questions okay I said sure governor so he turned to the fella and he said just tell me what is it that you want, what is it you want and the fellow looked at him with all sincerity and he said governor all I want is to be treated like a man oh, well with that the governor got up he went over to the phone oh, there was a phone in our conference room, and he told the secretary can you get the Attorney General on the phone, and the Attorney General gets on the phone it was Arthur __ [29:26] Well I heard him say Well everybody did, Arthur you better get down here and testify before this Commission because you and the state police have got a lot of problems, and then from then on in he was a transformed man. It was really interesting it was extraordinary to watch and I can only attribute it to the fact that the educational process, the process of bringing in people from the community who all came, as I said, voluntarily giving these people an opportunity to say how they really felt about what happened and what personally happened to them but also how they felt about Newark and how they felt about the community and how they felt about being black etcetera etcetera, those issues, I think that begin to build in such a way that when this one gentleman somehow gave an answer that touched a nerve in him and had one of those transforming events, and then it was

clear that that report would be a unanimous report I mean there was no issues really after that there was only one to send and that was a minor to send on the issue of consolidation of regional districts.

CURVIN: there was a discussion about that and obviously is very informed and serious discussion about that, what happened?

JAFFE: What the issue was pretty clear oh, it's the same issue today I mean that same issue has not gone away, but it was a little bit different in that context because on the one hand there was a strong feeling that from the standpoint of the tax policy and from the standpoint of efficiency and from the standpoint of public policy that 580 communities in New Jersey didn't make any sense, and it would make much more sense to consolidate, and the commission called for a new tax, didn't necessarily what to say a new income tax didn't want to get into that issue, so those two things kind of went together on the other hand it was a Feeling by some members on the commission that this was just the beginning time of the emergence of black political power and that if you Consolidated and then split the election districts to go along with a Consolidated districts that it would diminish the emergence of black power, black election ability and representation, so that was really the conflict and nobody really objected to that and it made good sense to consolidate it the objection was that was this really the right time and was there going to be some time that the black community would have more opportunity to get political power and then maybe at that time you could do it in a different way. So that was really the sense of it

CURVIN: there certainly was a forward-looking discussion that you had as well as the debate about the role of the state and the administration of schools, can you talk a little bit about that?

JAFFE: Now that, there was no dissent on that, when commissioner Marburger who is the education commissioner testified before the committee, and had pretty well laid-out the fact that the schools in Newark we're just not providing an education to the kids in Newark that was going to enable these kids to really get along in society I don't know if it was him or somebody else who gave us the statistics that when the kids graduated high school the best of them could read it a sixth grade level oh, I remember that very dramatically. He said that he was appalled, that it really required a real thinking about it. The conversation oh, there was no State statutes at that point to allow the state to take over a local school district so what he did was analogize it to the bankruptcy court and as you know you going to a bankruptcy and you ask for bankruptcy protection and then you can reorganize your business under that oh, you don't necessarily go out of business under bankruptcy, there's a part of it that Abel's you to reorganize it. So he said why don't we think about that, declaring the Newark schools systems bankrupt and then try under the free of reorganizing and then get the education commissioner to take it over under that theory with the hoping that with the state taking it over there would be more funds going into the educational system because it would then be a state responsibility and that it would take it out of a lot of the local politics, the school board, that whole scene was not necessarily devoid of politics and the hope would be that that would be really significant and as you know it took until, I think that what happened, my own sense was I don't think that the commissioner wanted to do it. I never had a conversation with him but the sense I got was that I think he saw it as a Monmouth undertaking and you know in those days state government was a lot smaller and he

probably didn't think that he had the stuff for it, and it was a very unusual New Concept that had never been done before in New Jersey oh, so there may not have been the bureaucratic Machinery to really do it, which finally I guess was done when you got the legislation, which also set up ways of doing it and allocated money but it was a shame. That was one recommendation that I felt really sad about because I think it lost a couple generations of kids, I mean it got no better.

CURVIN: One of the other really major recommendations had to do with the point about the need for an investigation of corruption particularly in Newark oh, were you surprised by the reaction to that because in some ways in terms of the public understanding of the report it almost overwhelmed everything else?

JAFFE: And then when you go back and look, in fact in my copy of the report, I have the headline from the Newark News that Sunday, and that was really the key headline. One of my—Bob Goldman who was my deputy, really knew the newspaper business pretty well because he had worked with the Boys of America so it was Bob's suggestion that we do the press conference on the late Saturday mornings so we would hit the Sunday papers which was a really good idea.

It also enabled us to get a lot of coverage. But to get back to your question you know the corruption issue it was it was such a key issue we did not start out with that as a frame. You start out looking at the shootings and looking at and at the causes—do you know I have been around Newark and all of that and I had heard the stories about corruption but I had heard those in the thirties and the twenties too so that was not nothing new because he heard stories about that but witness after witness would testify about their absolute inability to communicate with City Hall and the absolute lack of respect that they thought that City Hall had for the Black community and what they felt was the whole corrupt way in which the Martland Medical Center you know was taking all that land an throwing people out.

So it became such a major issue that we thought it really had to be talked about and that became a real challenge because not having subpoena power and not having any law enforcement power and no authority to obviously indict anybody or even issue a grand jury presentment or anything it was not appropriate to go accusing people of corruption so how do you do it?

I said there is a pervasive feeling of corruption as opposed to saying there is pervasive corruption and here it is, there's a pervasive feeling of corruption and appropriate law enforcement officials should really look into it and so it was a very lawyer like phrase but I wanted it that way because I didn't want to report the fail and for people to say well you guys are accusing people, you don't have any evidence, you're not in that business.

CURVIN: But you did have the testimony of the police official deputy chief who had indicated himself that he was really restrained...

JAFFE: But you know to then attack either the Mayor or so forth on that and this is unsworn testimony oh, I didn't think that that-- I think by us calling attention to it that was the important thing and I remember a meeting afterwards with Joe Lordi who was then the county prosecutor

because Brendan Byrne had been appointed to the court or something I don't remember exactly, I think Joe said that, the attorney general's office was not going to get involved, the attorney general's office at that time did not have a large criminal investigation staff and Joe Lordi, it was my judgment that he was a really fine prosecutor oh, that he would start and then I remember meeting with Joe a couple weeks later and he said that it was his judgment that it ought to be turned over to the US attorney's office because he felt that they had the ability to protect witnesses and that their grand jury would be statewide and they had facilities that the prosecutor's office didn't have, they had the FBI and all of that and that's that and so that's how the investigation into Addonizio, it ended up in the US attorney's office. Which then led to the indictments and so forth.

CURVIN: But overall after you had this Saturday conference it seems like there is another chapter of the story that I guess could be titled the implementation or the reaction face oh, so what was generally the reaction of the governor, of the legislature

JAFFE: The governor, the commission and myself had a meeting where he accepted the report I remember they stretch that into a long dinner and he was genuinely pleased by it I think he was surprised by the scope of it and the intensity of it but he said that he was going to act on it to the extent that he could and there was a special message to the legislature.

I'm not the best person on that because after that I got my job at the Ford Foundation in New York so I kind of, even though I still lived in New Jersey, I left New Jersey politics in that sense oh, but I do know that there was a special message to the legislature, and he detailed the number of items and other people would have a greater recollection of that than I do and I remember that the legislature passed some of it but some of it was not passed and I remembered that there were some political issues that never got resolved and so it never got the full implementation that he would have liked to.

CURVIN: As I recall Addonizio's reaction was kind of mixed because there were things in the report that we're good for him and good for the city for example emphasis on more training and better salaries for police officers. But the criticisms of the administration just drove them crazy.

JAFFE: I get the sense that— I know the Newark News ran a series for the week, and I think that the Star-Ledger did too, the Times did some stuff on it, and I'm sure you've looked at the archives or that you will, my recollection in the community was that it really depended I mean some people really lauded the report and some people were really upset.

I was the victim, not the victim, I got a number of hate mail, a couple of threatening letters, usually unsigned so I throw them in a waste paper basket, and I spent a lot of time talking I had a number of speeches that I had, sometimes I was well-received and sometimes not.

One quick anecdote, my poor dad, would go to a certain store where he used to hang out a little bit and the owner of the store said that your son is just a God damn communists, and I don't want you in my store oh, so my father got hassled.

I think people were looking for a conspiracy recommendation, conspiracy theory, and I think the emphasis on the needs of the Black community and the Latino community and then neglect that had occurred, a lot of people don't want to hear.

CURVIN: There was very, very strong feelings in the larger white community that no matter what the factors were that led up to this, you don't reward rioters and ultimately, that's what the attorney general said. He said I just don't believe that you can reward the people, this was in their defense of not finding any evidence in their investigation...

JAFFE: He was not in the forefront of doing things...

CURVIN: You know at least to try to be balanced about this, you have to take into account how much fear and anxiety there was in the larger population.

JAFFE: A lot of white businesses had been destroyed up on Springfield Avenue, and that accelerated the white flight out of Newark, as you know, and people were really scared, people were saying that we are going to put the front lines in Irvington and nobody is going to come across from Newark, and it was a really frightening time for a lot of people and I think the report, maybe if the report had come out a year-and-a-half later—let's say hypothetically I spent a year-and-a-half on this, then by that time there might have been so much time elapsed and so much would have happened politically that the report would not have rendered these wide swings of reaction, but the report came out really quickly, and I think we came out even before the Kerner Commission, because I remember getting a phone call from David Ginsberg, who is with the Kerner Commission, saying you guys did a great job our report is not going to be half as good. I had gone down to see Ginsburg at one point to see if whether we could cooperate, it was pretty not worth it they were off on such a different track oh, and they had so many staff, there was no way. We had a very, very little staff as you know. It was very difficult getting people.

CURVIN: Think back over the whole experience what would you say were the two or three most important accomplishments of the commission report?

JAFFE: I would think one was clearly the focus on corruption.

I was talking to a guy in the New York Times a couple months ago about this issue and he said you know there was subsequent corruption in Newark too. And I said there will always be subsequent corruption, not only in Newark but everywhere because somehow we are dealing with the nature of man here.

But the issue was that it became an important point, but the more important issued to me was it showed the relationship between corruption and how people feel and their view of government. I think from a government stand for it was really important to demonstrate that so I can make speeches and so that other people can make speeches and say corruption is not something that--I used to hear as a kid that you could do business in Jersey City and gave 10% to Mayor Hague oh, I don't know if that was true or not, then you could do what you want and you could run it honestly.

That attitude is a really terrible attitude because what it does is it says okay we will live with that amount of corruption. I think here what we did was try to show the relationship between people's perception of corruption and what it does to them and how it impacts governance.

I think the whole series of recommendations that require brand new trainings for the national guard and the state police and the Newark police, and besides that the whole new requirements that came in, how to handle guns and how to handle ammunition, and all the controls that came as the result of that I think that was really significant. And I think that over the years you obviously have a better trained force as a result of that.

So those I think were very significant. I think overall calling attention to the neglect in the Black community and in the Latino community and that we really couldn't live in a society that would allow this kind of neglect to go on oh, I think that was important and I think that's an issue that we still deal with today.

That's okay, it's not okay, but it's going to happen. That was really a very important finding and particularly when it came from a group of people that you would think would be the epitome of a white upper-middle-class establishment, that had not really spoken out on this issue in New Jersey I mean sure there were people in the white establishment concerned about a lot of civil rights issues and all of that but had not spoken out the way they did.

I think the education one even though it didn't happen until Kean's time, I'm an incrementalist, particularly if you worked at Ford you are. I think that was really very significant. I think that those were the four or five really broad categories, there were a lot of specific things as you said like raising the police salaries. There was one Black in the senior police hierarchy, let's start doing that, let's create a fund for Black entrepreneurship and begin that in the city. A lot of stuff that we take for granted, I mean I was amazed when I look back at the report you know the Economic Development Authority that started back then too, all those kinds of things. You know I can pick out specific ones, and you know everything like within limits they were done.

CURVIN: Do you look back and say that there were things that you would have done differently if you could do it over? Or was there something that you wanted to do that you didn't?

JAFFE: I really don't think so, I mean if you ask me about that and other areas of my life [laughs]. I really don't think...